



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3313/1
EVM&SWB:jld

2015 ASSEMBLY BILL 936

February 18, 2016 – Introduced by Representative YOUNG. Referred to Committee on Judiciary.

1 **AN ACT to amend** 343.21 (1) (j), 345.47 (1) (b), 800.09 (1g), 800.095 (1) (a) (intro.),
2 800.095 (1) (a) 3. and 800.095 (1) (a) 4.; and **to create** 345.47 (1) (bm) of the
3 statutes; **relating to:** suspension of operating privilege for failure to pay
4 certain monetary judgments.

Analysis by the Legislative Reference Bureau

This bill limits a court's authority to suspend the operating privilege of a person for failure to pay a monetary judgment.

Current law permits a court to suspend for up to two years the operating privilege of an person who has failed to pay a monetary judgment entered against the person for a civil violation. This bill reduces the maximum time for which the operating privilege may be suspended by a court under these circumstances from two years to three months. The bill also prohibits a court from suspending, for failure to pay a monetary judgment entered against a person for a civil violation, the operating privilege of a person who is less than 18 years of age and who is not currently and has not previously been licensed in this or another state.

Also under current law, the Department of Transportation collects a \$50 fee for reinstatement of an operating privilege previously revoked or suspended. Under this bill, no fee may be collected for the reinstatement of an operating privilege suspended for failure to pay a monetary judgment for a civil violation.

Current law requires a court to inform a defendant, both orally and in writing, of certain information regarding restitution, forfeiture, and the potential consequences of failure to pay a monetary judgment entered against a person for a

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civil violation, including imprisonment or license suspension. Current law also requires a court to inform a defendant, orally and in writing, that the defendant should notify the court if he or she is unable to pay the judgment because of poverty, and that he or she may be allowed to perform community service in lieu of payment of the judgment. This bill adds a requirement that a court post in each courtroom the information regarding the possibility of community service in lieu of payment for those unable to pay.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 343.21 (1) (j) of the statutes is amended to read:

2 343.21 (1) (j) For reinstatement of an operating privilege previously revoked
3 or suspended, \$50. No fee shall be collected for the reinstatement of an operating
4 privilege suspended under s. 345.47 (1) (b).

5 **SECTION 2.** 345.47 (1) (b) of the statutes is amended to read:

6 345.47 (1) (b) In lieu of imprisonment and in addition to any other suspension
7 or revocation, that, except as provided in par. (bm), the defendant's operating
8 privilege be suspended. The operating privilege shall be suspended for 30 days or
9 until the person pays the forfeiture, plus costs, fees, and surcharges imposed under
10 ch. 814, but not to exceed ~~2 years~~ 3 months. If the defendant has notified the court
11 that he or she is unable to pay the judgment because of poverty, and if the court, using
12 the criteria in s. 814.29 (1) (d), determines that the defendant is unable to pay the
13 judgment because of poverty, the court may not suspend the defendant's operating
14 privilege without first providing the defendant with an opportunity to pay the
15 judgment in installments, taking into account the defendant's income. Suspension
16 under this paragraph shall not affect the power of the court to suspend or revoke
17 under s. 343.30 or the power of the secretary to suspend or revoke the operating

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1 privilege. This paragraph does not apply if the judgment was entered solely for
2 violation of an ordinance unrelated to the violator's operation of a motor vehicle.

3 **SECTION 3.** 345.47 (1) (bm) of the statutes is created to read:

4 345.47 (1) (bm) The operating privilege of a person who is less than 18 years
5 of age and who is not currently and has not previously been licensed in this or another
6 state may not be suspended under par. (b).

7 **SECTION 4.** 800.09 (1g) of the statutes is amended to read:

8 800.09 (1g) The court may defer payment of any judgment or provide for
9 installment payments. At the time that the judgment is rendered, the court shall
10 inform the defendant, orally and in writing, of the date by which restitution and the
11 payment of the forfeiture, plus costs, fees, and surcharges imposed under ch. 814,
12 must be made, and of the possible consequences of failure to do so in timely fashion,
13 including imprisonment, as provided in s. 800.095, or suspension of the defendant's
14 motor vehicle operating privilege, as provided in sub. (1b) (c), if applicable. In
15 addition, the court shall post a notice in a conspicuous place in each courtroom and
16 inform the defendant, orally and in writing, that the defendant should notify the
17 court if he or she is unable to pay the judgment because of poverty, as that term is
18 used in s. 814.29 (1) (d), and that he or she may request community service in lieu
19 of payment of the judgment. If the defendant is not present, the court shall ensure
20 that the information is sent to the defendant by mail. If the defendant is present and
21 the court, using the criteria in s. 814.29 (1) (d), determines that the defendant is
22 unable to pay the judgment because of poverty, the court shall provide the defendant
23 with an opportunity to pay the judgment in installments, taking into account the
24 defendant's income, or to perform community service in lieu of payment of the

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1 judgment. In 1st class cities, all of the written information required by this
2 subsection shall be printed in English and Spanish and provided to each defendant.

3 **SECTION 5.** 800.095 (1) (a) (intro.) of the statutes is amended to read:

4 800.095 (1) (a) (intro.) Suspension of the defendant's operating privilege until
5 the defendant pays the judgment, but not to exceed ~~2 years~~ 3 months. The operating
6 privilege of a person who is less than 18 years of age and who is not currently and
7 has not previously been licensed in this or another state may not be suspended under
8 this paragraph. If the court orders suspension under this paragraph, all of the
9 following apply:

10 **SECTION 6.** 800.095 (1) (a) 3. of the statutes is amended to read:

11 800.095 (1) (a) 3. If the judgment remains unpaid at the end of the ~~2-year~~
12 3-month suspension, the court may not order a further suspension of operating
13 privileges in relation to the outstanding judgment.

14 **SECTION 7.** 800.095 (1) (a) 4. of the statutes is amended to read:

15 800.095 (1) (a) 4. Serving the complete ~~2-year~~ 3-month suspension of the
16 defendant's operating privilege does not relieve the defendant of the responsibility
17 to pay the judgment.

18 (END)